

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:15-MC-00107-MOC-DSC**

**IN RE: MOTION TO QUASH  
SUBPOENA DUCES TECUM ISSUED  
TO BRIAN EBERHARD**

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**ORDER**

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**THIS MATTER** is before the Court on “Brian Eberhard’s Motion to Quash Subpoena Duces Tecum and Incorporated Memorandum of Law” (document #1). The Motion was transferred to this Court from the Middle District of Tennessee on June 11, 2015.

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1), and is now ripe for the Court’s consideration.

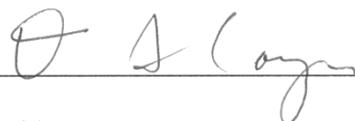
The Court has carefully considered the record, authorities and Mr. Eberhard’s argument. The Court will deny the Motion to Quash.

If Mr. Eberhard contends that any responsive documents are confidential, they shall be produced pursuant to a protective order negotiated by the parties. If the parties are unable to agree upon a protective order, they should file a motion for entry of protective order along with their respective proposed orders. If Mr. Eberhard contends that any documents are covered by attorney-client or attorney work product privileges, he shall serve a privilege log on the opposing party.

The Clerk is directed to send copies of this Order to counsel of record; and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: June 30, 2015



David S. Cayer  
United States Magistrate Judge

